

**IOWA BOARD OF EDUCATIONAL EXAMINERS**

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**IN THE MATTER OF:**

**PAMELA STANGELAND,**

**Respondent.**

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**Case No. 11-32**

**License No. 327510**

**FINAL ORDER**

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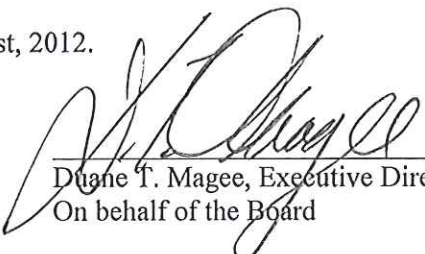
This matter came before the Board of Educational Examiners upon Complaint. An investigation was conducted and the Board found probable cause to move the case forward to hearing. The hearing was held before Administrative Law Judge Margaret LaMarche on March 27, 2012. On April 19, 2012, Judge LaMarche issued a proposed decision. The proposed decision was served upon the Respondent and the Board.

The proposed decision was appealed in a timely manner by the Respondent. At their regular board meeting on August 10, 2012, the Board considered the briefs submitted by the Respondent and the State. The Board voted to accept the proposed decision without modification.

**ORDER**

**THEREFORE**, the Proposed Decision in this matter will stand as the Board's final ruling. Based upon the findings and conclusions set forth within the April 19, 2012 Proposed Decision, the Iowa teaching certificate issued to Respondent Pamela Stangeland is hereby **SUSPENDED** for a period of six (6) months. The suspension is deferred until January 1, 2013, to allow Respondent to provide verification that she has completed a fifteen (15) hour Board-approved ethics course addressing professional ethics and licensure. If the Respondent timely submits verification of her completion of the ethics course, then the six-month suspension of her license shall be vacated. If she does not complete the ethics course, then the six month license suspension will begin on January 1, 2013.

Dated this 10<sup>th</sup> day of August, 2012.

  
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Duane T. Magee, Executive Director  
On behalf of the Board

Copies to:

Julie J. Bussanmas, Attorney for State  
Meghan L. Gavin, Attorney for State  
Andrew J. Bracken, Attorney for Respondent

**IOWA BOARD OF EDUCATIONAL EXAMINERS**

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<b>IN THE MATTER OF:</b>	)	
	)	<b>Case No. 11-32</b>
	)	
<b>Pamela Stangeland,</b>	)	<b>License No. 327510</b>
	)	
<b>Respondent.</b>	)	<b>Order Regarding</b>
	)	<b>Proposed Decision</b>

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This matter came before the Board of Educational Examiners upon Complaint. An investigation was conducted and the Board found probable cause to move the case forward to hearing. The hearing was held before Administrative Law Judge Margaret LaMarche on March 27, 2012. On April 19, 2012, Judge LaMarche issued a proposed decision. The proposed decision was served upon the Respondent and the Board.

The Board considered the proposed decision at its regular meeting on May 4, 2012. After examining the proposed decision, the Board unanimously approved a motion not to initiate review of the proposed decision.

**ORDER**

**THEREFORE**, the Proposed Decision in this matter will stand as the Board's final ruling in this matter unless a timely appeal from the proposed decision is initiated by one of the parties, pursuant to Board rule 282 I.A.C. 11.28(1).

Dated this 4th day of May, 2012.

  
\_\_\_\_\_  
George J. Maurer, Ed.D., Executive Director  
On behalf of the Board

Copies to:

Andrew Bracken, Attorney for Respondent  
Julie Bussanmas, Attorney for State

IOWA BOARD OF EDUCATIONAL EXAMINERS

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATIONAL EXAMINERS

APR 19 2012

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IN THE MATTER OF:	)	CASE NO. 11-32
	)	DIA NO. 11BEE025
PAMELA STANGELAND	)	
	)	
Respondent	)	PROPOSED DECISION

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On October 20, 2011, the Iowa Board of Educational Examiners (Board) issued a Notice of Hearing and Statement of Charges charging Pamela Stangeland (Respondent) with:

Count I: As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform, in violation of 282 IAC 25.3(5)(a)(4); and

Count II: Unethical practice by delegating tasks to unqualified personnel, failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations, or failure by a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment, in violation of 282 IAC 25.3(6)(l),(m) and (r).

The initial hearing date was continued at Respondent's request. The hearing was held before the undersigned administrative law judge on March 27, 2012 at 9:00 a.m. Assistant Attorney General Meghan Gavin represented the state. Attorney Andrew Bracken represented Respondent Pamela Stangeland.

THE RECORD

The state presented the testimony of Board Investigator James McNellis and submitted State Exhibits 1-10 (See Exhibit Index for description). Respondent presented the testimony of Dr. George Maurer, Respondent, Dr. Amanda Ross, and Dr. Tim Taylor. Respondent also submitted Exhibits A-G. The record also includes Respondent's Motion for Continuance, State Response, and Continuance Order; Respondent's March 22, 2012 Email Request for Subpoena and the Order Re: Respondent's Request for all



Files Related to Disciplinary Action; and Respondent's Motion to Dismiss, filed by email on March 26, 2012.

### FINDINGS OF FACT

1. Respondent holds a Professional Administrator License (Folder # 327510) with endorsements to serve as PK-8 Principal, 5-12 Principal, and Evaluator. Respondent's Professional Administrator License expires on November 30, 2015. Respondent also holds a Standard License with endorsements to teach 5-12 Journalism, Mildly Disabled, Multicategorical Resource Mild, and Instructional Strategist I: Mild/Moderate. Respondent's Standard License expired on December 31, 2007. (State Exhibit 6, pp. 21-23, 82)

2. Respondent has been the principal of Kate Mitchell Elementary (K-5) in Ames, Iowa for the past five years. Prior to her position at Kate Mitchell, Respondent served as the PK-5, 9-12 Principal in the Graettinger Community School District. Respondent also has seven years of teaching experience. Respondent has an excellent reputation as a principal and has had no prior complaints or disciplinary actions filed against her. Ames Superintendent Dr. Tim Taylor described Respondent as the best building principal that he has seen in his 40 years in education.

The Ames Community School District has five elementary schools with the following chain of command: teachers report directly to their building principal, the building principal reports to the Associate Superintendent (Dr. Amanda Ross), Dr. Ross reports to the Superintendent (Dr. Tim Taylor), and Dr. Taylor reports to the Board of Education. The elementary principals supervise and evaluate the teachers assigned to their respective buildings. Although the principals are allowed input into which teachers are assigned to their building, they do not have the authority to determine teaching assignments, to hire or fire teachers, or to sign employment contracts. (Testimony of Respondent; Dr. Amanda Ross, Dr. Tim Taylor; State Exhibit 6, pp. 29, 68, 73-81)

3. During the summer of 2010, Respondent was part of a six member interviewing committee that included five Ames elementary building principals and one early childhood principal. The committee screened and then interviewed approximately twenty applicants for 6 elementary teaching vacancies with the Ames Community Schools. Each applicant was asked to participate in a question and answer (interview) session, to complete a writing assignment, and to teach a lesson with elementary students. The superintendent also met with the applicants in groups of three. The six

principals on the interviewing committee were split into two groups, and Respondent was in the group that observed each applicant teach a lesson. At the conclusion of the process, the interviewing committee recommended six candidates to the superintendent for appointment by the Ames Board of Education for the 2010-2011 school year. (Testimony of Respondent; Dr. Tim Taylor; State Exhibit 6, p. 30)

4. Shannon Barr was one of the applicants interviewed during the summer of 2010. Ms. Barr did not have an Iowa license at the time of her interview but had previously taught sixth grade in Colorado for three years before relocating to Iowa with her family in the summer of 2009. Ms. Barr had been issued a Colorado teaching license, with an elementary certification, after completing a state-approved alternative teacher licensing program in Colorado. (Testimony of Respondent; James McNellis; State Exhibit 6, pp. 30, 35, 42-48, 59)

In a letter to the Board dated February 15, 2011, Ms. Barr explained that she applied for an Iowa teaching license in 2009 but was informed that she was not eligible because Iowa would only approve alternative teaching programs completed through "regionally accredited institutions." In May 2010, Ms. Barr learned that Iowa had changed its licensure requirements to permit licensure of applicants who had a valid license from another state and whose preparation program was completed through a "state approved" nontraditional teacher program, if other requirements were also met. Following a conversation with a Licensure Consultant for the Iowa Board (Dr. Mary Lou Nosco), Ms. Barr came to the conclusion that she would be eligible for an Iowa teaching license that would allow her to teach fifth grade. However, Ms. Barr allowed her Colorado license to expire on May 25, 2010 and had not applied for an Iowa license prior to interviewing with the Ames School District. (State Exhibit 6, pp. 35, 59-61; Testimony of Respondent)

The interviewing committee ranked Shannon Barr in the top 6 among the applicants that they interviewed and recommended her for one of the vacancies for the 2010-2011 school year. The members of the committee and the superintendent knew that Ms. Barr did not have an Iowa license at that time. Based on their past experiences with the Board, however, they all assumed that Ms. Barr would not have a problem obtaining an Iowa license since she had been licensed and taught in Colorado. (Testimony of Respondent; Dr. Tim Taylor; State Exhibit 6, pp. 30, 34-35, 59)

5. On July 29, 2010, the Ames Board of Education took official action to approve Shannon Barr's appointment as a 5<sup>th</sup> grade teacher at Kate Mitchell Elementary for the 2010-2011 school year, effective August 12, 2010. On July 20, 2010, Ames



Superintendent Dr. Tim Taylor sent Ms. Barr a working agreement with instructions for her to sign and return it. The record does not include a copy of the signed working agreement nor does it include a copy of any employment contract executed by Shannon Barr and the Ames School District. Superintendent Taylor knew that Ms. Barr still did not have an Iowa license when he sent her the working agreement, but he did not realize that she had gone through an alternative teacher preparation program in Colorado. (State Exhibit 6, pp. 30, 36; Testimony of Respondent; Dr. Tim Taylor)

6. The Ames School District has a central Human Services Department that is responsible for keeping the licenses of teachers employed by the district and for red flagging the teacher's file if anything is missing. At hearing, Respondent was asked what steps she took as principal to ensure that Shannon Barr was properly licensed before she started teaching in the classroom. Respondent replied that she reviewed the file that Ms. Barr submitted to the district to make sure that she had taught previously. Respondent explained that Ms. Barr was called to Colorado for a family emergency around the time she was hired and missed the first in-service days for the 2010-2011 school year. Respondent visited with Ms. Barr about filling out and submitting her application to the Board. After that, Respondent occasionally asked Ms. Barr if she had heard back from the Board. When Ms. Barr told Respondent that she still did not have her Iowa license and expressed some frustration with the process, Respondent encouraged her to be patient. Respondent did not communicate directly with the Board or its staff concerning Ms. Barr's application. (Testimony of Respondent; State Exhibit 6, pp. 30, 35; State Exhibit 7, p. 119)

7. Prior to hiring Shannon Barr, the Ames School District had hired dozens of other teachers who were licensed in another state and who did not have any problems obtaining an Iowa license. Superintendent Taylor, Associate Superintendent Ross, and Respondent all testified that it was common practice to allow these new hires to teach in Ames while they were awaiting their Iowa licensure. Superintendent Taylor testified that they worked with the Board to get the teachers "conditional licensure." Respondent also reported having experience with conditional licensures while she was a principal in the Graettinger School District. (Testimony of Respondent; Dr. Tim Taylor; Dr. Amanda Ross) There is no evidence in the record, however, that Respondent or any other district administrator contacted the Board or its staff to ask what was delaying Ms. Barr's Iowa licensure or to inquire if Ms. Barr had been granted a conditional license or temporary permit that allowed her teach 5<sup>th</sup> grade.

8. On October 14, 2010, one of the Board's Licensure Consultants, Dr. Mary Lou Nosco, wrote to Shannon Barr. Dr. Nosco acknowledged receipt of Barr's application

for Iowa licensure but noted that Barr's Colorado license had expired in May 2010. Dr. Nosco informed Barr that she needed to submit a valid and current license from another state in order to proceed with her application. Dr. Nosco further informed Ms. Barr that she met the requirements for American History (5-12) and Business All (5-12), based on an evaluation of her credits. Dr. Nosco did not tell Ms. Barr that she met the requirements for an Elementary Education endorsement. (State Exhibit 6, p. 49)

Dr. Nosco's October 14<sup>th</sup> letter further informed Ms. Barr that once the Board received a copy of a current license, she would be invited to participate in a portfolio review process (IPREP), at a cost of \$500, to determine if her alternative certification program prepared her to the standards in Iowa. The letter also informed Ms. Barr that if she was hired to teach Agriculture (5-12) after obtaining licensure, she would then be eligible for a Class B<sup>1</sup> license while she finished the requirements. Ms. Barr did not show this letter to Respondent. (Testimony of Respondent; State Exhibit 6, pp. 49, 60)

9. Respondent continued to assume that Shannon Barr would eventually be licensed in Iowa. Respondent reports that she was not "remarkably concerned" about the licensing issue at the time and believes she only mentioned it casually during team meetings with other administrators. No one from the school district's central office and no one from the Board contacted Respondent directly regarding Ms. Barr's licensure issues. Late in November 2010, Ms. Barr showed Respondent her file of correspondence with the Board. In Respondent's opinion, several of the letters from Board staff appeared contradictory. She recalled that one letter invited Respondent to participate in the Iowa alternative licensing process while another would say there were problems with her license. However, with the exception of the October 14<sup>th</sup> letter and a later letter in early December, none of Ms. Barr's other correspondence from the Board is included in the hearing record. (Testimony of Respondent; State Exhibit 6)

10. On December 2, 2010, the Board's Executive Director sent a letter to Shannon Barr and a copy was sent to Respondent. The letter stated, in part:

According to the Basic Education Data System, you have been assigned to teach outside of the content or grade level for which you are currently endorsed, or teaching on an expired license since the beginning of the

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<sup>1</sup> A nonrenewable two-year Class B license may be issued if requested by an employer and if the person has completed two-thirds of the requirements, or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for that endorsement. In order to qualify for a Class B license, the person must hold a valid license with one or more endorsements. 282 IAC 14.116.



2010-2011 school year. This letter is to notify you that I will file a professional practices complaint against you based on the reporting requirements of Iowa Code section 272.15(3) if this issue is not resolved by January 1, 2011.

...

According to Iowa Code section 272.7, you must hold a valid license with an endorsement for the type of service for which you are employed. There are several sections from the Code of Ethics that you have violated,

...

If you have any questions regarding this issue, please contact Mike Cavin at ...

(Testimony of Dr. George Maurer; State Exhibit 6, p. 50)

11. After reading the December 2, 2010 letter, Respondent called Mike Cavin and Dr. Mary Lou Nosco to ask what was delaying Ms. Barr's licensure. According to Respondent, she was initially told that it was because the Iowa Alternative Certification Program was moving along so slowly. Respondent's handwritten notes of a December 15, 2010 telephone conversation with Mike Cavin include the following notations: "alternative preparation," "content for elementary," and "alternative prep -2 to 3 months." (Testimony of Respondent; State Exhibit 6, p. 52)

On December 17, 2010, Respondent made a second phone call to Mary Lou Nosco and for the first time was told that Shannon Barr would never be eligible for licensure in Iowa. In Respondent's opinion, the tone of this conversation with Dr. Nosco was completely different from their prior conversation. Respondent made the following notes of their conversation:

- Can not issue a substitute license
- 20 weeks from Colorado
- IPrep process
- Can't offer any temporary
- I will never be able to license her for elementary ed.

The Ames students were leaving for winter break on December 17, 2010. After her conversation with Dr. Nosco, Respondent immediately contacted Dr. Ross to develop a plan to remove Respondent from the classroom. (State Exhibit 6, p. 53; Testimony of Respondent; Dr. Amanda Ross)



Prior to December 2010, Superintendent Taylor was not aware that Shannon Barr had gone through an alternative teacher preparation program in Colorado. (Testimony of Dr. Tim Taylor) Prior to December 17, 2010, Associate Superintendent Ross was not aware that Shannon Barr did not have an Iowa license. (Testimony of Dr. Amanda Ross)

12. On December 17, 2010, the state of Colorado issued Shannon Barr a five-year Professional Teacher License with an Elementary Education Endorsement. (State Exhibit 6, p. 34) Following further conversations with Board staff, Ms. Barr learned that the out-of-state nontraditional preparation program that she completed in Colorado would allow her to teach in a middle school or high school classroom in Iowa but would not allow her to teach in the elementary setting. (State Exhibit 6, p. 60)

13. Shannon Barr was a very effective and well-liked teacher when she taught at Kate Mitchell Elementary. Respondent, Superintendent Taylor, and Associate Superintendent Amanda Ross were all concerned that the fifth grade students (and their parents) would be very upset if Shannon Barr was abruptly removed from the classroom. They worked together to devise a transition plan to replace Ms. Barr with a long-term substitute teacher. With Ms. Barr's assistance and approval, they decided to send a letter to all parents and guardians of the students in Ms. Barr's classroom advising them of the licensing problems and then to give parents a few days to digest the information and ask questions before removing Ms. Barr from the classroom. The letter (dated January 7, 2011) stated that the school had recently been notified that Ms. Barr's Colorado teaching license would not be eligible for transfer to Iowa due to issues relating to an alternative preparation program that had not yet been approved by Iowa. Parents were informed that Ms. Barr's resignation had been accepted, effective January 21, 2011, and that the school was interviewing for a long-term substitute to finish the school year. (Testimony of Respondent; Dr. Tim Taylor; Dr. Amanda Ross; State Exhibit 6, pp. 54-56)

14. Kate Mitchell Elementary students returned to school from winter break on January 4, 2011. Shannon Barr continued to teach her 5<sup>th</sup> grade class from January 4 until January 14, 2011. During this time there was no Iowa licensed teacher in the classroom. On January 14, 2011, Respondent submitted her resignation, effective January 21, 2011, and an Iowa licensed long term substitute took over her classroom. Shannon Barr was not in the classroom from January 14-21 and did not perform any teaching duties during the final ten days of her employment with the Ames School District. Respondent, Dr. Taylor, and Dr. Ross all testified that in retrospect, they should have arranged for a properly licensed teacher to be in the classroom with

Respondent from January 4-14, 2011. The Ames Board of Education took official action to approve Ms. Barr's resignation on January 24, 2011. (State Exhibit 6, pp. 37-38; Testimony of Respondent; Dr. Tim Taylor; Dr. Amanda Ross)

15. On January 27, 2011, Dr. George Maurer filed a Complaint against Shannon Barr alleging that she performed duties for which she did not have proper licensure. (State Exhibit 7, p. 119)

On March 31, 2011, Dr. George Maurer filed a Complaint against Respondent alleging that she delegated tasks to unqualified personnel when she assigned Shannon Barr to teach 5<sup>th</sup> grade at Kate Mitchell Elementary. This Complaint noted that Ms. Barr currently had a Substitute Authorization, but that she was not eligible for a standard Iowa license. (Testimony of Dr. George Maurer; State Exhibit 1) Respondent was not given a prior warning that her license could be disciplined for permitting Shannon Barr to teach 5<sup>th</sup> grade. (Testimony of Respondent)

The Complaint against Respondent was assigned to Board Investigator James McNellis for investigation. On April 1, 2011, Mr. McNellis sent copies of the Complaint to Respondent and to the Ames Community School District, along with cover letters requesting a written response. The letter to Respondent requested, but did not require, a written response. Superintendent Taylor provided a written response on April 18, 2011. Respondent did not provide a separate written response. On April 29, 2011, Mr. McNellis prepared a Report of Investigation. (Testimony of James McNellis; State Exhibit 6, pp. 24-31) At their June 23, 2011 meeting, the Board found probable cause to proceed to hearing on the Complaint against Respondent. based on the allegations in the Complaint and the information in the investigative file. (State Exhibit 3, p. 9; Respondent Exhibit D)

16. On July 13, 2011, the Board's Executive Director sent Respondent a letter stating that at the next Board meeting, which was scheduled for August 5, 2011, the Board would consider whether good cause existed for extending the 180-day deadline for issuing a final decision in her case. The letter informed Respondent that the issue would be considered during the Professional Practices portion of the agenda, but did not specifically inform Respondent that she could file a resistance to the proposed extension of the deadline. (Respondent Exhibit A) Respondent did not file a resistance or response to this notice.

On August 5, 2011, the Executive Director signed an Order extending the 180-day time limit for the "good cause" reasons "stated herein." The Order states that the Board, on its own motion, extended the 180-day time limit "based upon the extraordinary amount



of time needed to schedule the hearing, allow review of the proposed decision, and issue a final decision.” The minutes of the Board meeting reflect the names of the Board members who made and seconded a motion to extend the deadline in this case (11-32) and two other cases. The minutes also state that the motion carried unanimously. (Respondent Exhibits B, C, p. 4; State Exhibit 5)

The Board’s Executive Director, Dr. George Maurer, is not a member of the Board and does not have a vote on issues put to the Board. The attorney general’s office has previously advised the Board that its Executive Director may sign documents on its behalf. Dr. Maurer has no specific recollection of the reasons supporting the 180-day deadline extension in this case, other than what was reflected in the Board’s minutes and the Board’s Order. (Testimony of Dr. George Maurer)

17. On November 18, 2011, the Board approved a Stipulation and Order signed by Shannon Barr (Case No. 11-09) and resolving the Complaint filed against her. The Stipulation and Order stated that the investigation uncovered that Ms. Barr had served as an elementary teacher from August 2010 until January 21, 2011 without proper licensure. Ms. Barr admitted violating Board rules (282 IAC 25.3(5)(a)(5) and 25.3(6)(m),(o) and (q). She agreed to accept a six month suspension of her Iowa Substitute Authorization. (State Exhibit 7)

18. The Ames Community School District will no longer hire any teacher unless the teacher can provide a copy of their Iowa license showing that they have the proper licensure and endorsement for the assignment. (Testimony of Respondent; Dr. Tim Taylor)

## CONCLUSIONS OF LAW

### *Motion to Dismiss*

In accordance with Iowa Code section 272.2(15), the Board has adopted a rule requiring resolution of complaints within 180 days unless good cause can be shown for an extension of this limitation. The rule further provides that the Board “will provide notice to the parties to a complaint prior to taking action to extend this time limitation upon its own motion.”<sup>2</sup>

On July 13, 2001, the Board’s Executive Director sent Respondent a letter informing her that:

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<sup>2</sup> 282 IAC 11.4(8).

- The complaint initiating this case was filed with the Board on March 31, 2011;
- Pursuant to Iowa Code section 272.2(15), complaints before the Board must be resolved within one hundred eighty (180) days, unless good cause can be shown for an extension of this limitation;
- At the next regular meeting of the Board, scheduled for August 5, 2011, the Board will consider whether good cause exists for extension of the 180-day deadline for issuance of a final decision in this matter; and
- The 180-day deadline will be considered during the Professional Practices portion of the agenda.

(Respondent Exhibit A). Respondent did not file any response or resistance to this notice. On August 5, 2011, the Board, on its own motion, extended the 180-day time limit based upon the extraordinary time needed to schedule the hearing, allow review of the proposed decision, and issue a final decision. (Respondent Exhibits B, C)

On March 26, 2012, Respondent filed a Motion to Dismiss the Statement of Charges based on the Board's failure to resolve the complaint against her within 180-days. The parties briefly argued this motion before the administrative law judge during a March 26<sup>th</sup> conference call and argued it again at the time of hearing. Although the Board issued an Order finding good cause to extend the 180-day time limit, Respondent asserts that the Board did not inform her of the requirement that there must be good cause for an extension or that she had a right to be heard in resistance to the request. Respondent further argues that the Order extending the 180-day time limit is deficient because neither the Order nor the Board's meeting minutes specify the basis for the good cause "except the rote recitation of the "extraordinary time" excuse." Respondent also argues there was nothing extraordinary justifying the extension of time in her case. In addition, Respondent objects to the fact that the Board's Executive Director, Dr. Maurer, signed the July 13, 2011 letter to Respondent and signed the Board's Order that extended the 180-day time limit. (Respondent Exhibits A-G)

The state resisted the Motion to Dismiss on several grounds. The state noted that the Board found good cause to issue an order extending the 180-day time limit and pointed out that the Board has not delegated authority to the administrative law judge (ALJ) on this issue. The state also maintained that the Board did have good cause to extend the 180-day deadline and that its Order extending the deadline was valid.

The state's argument that the ALJ lacks the authority to overrule or reverse the Board's Order finding that it had good cause to extend the 180-day time limit is persuasive. The



Board has the authority to issue final rulings and Orders in contested cases held pursuant to 282 IAC chapter 11.<sup>3</sup> The Board can overrule or modify rulings, orders, and findings of an ALJ, but an ALJ cannot overrule an order issued by the Board. Based on the Board's minutes and the August 5, 2012 Order, it is clear that the Board, and not the Executive Director, found good cause to extend the 180-day time limit.

Moreover, the letter sent to Respondent on July 13, 2011 satisfied the notice requirement set out in 282 IAC 11.4(8). Respondent did not file any response or resistance to this notice. The rule does not require the Board to specifically notify licensees that they have a right to file a resistance. In addition, the Board's Executive Director may perform ministerial duties for the Board, such as signing Orders and correspondence on its behalf, but this does not mean that the Executive Director becomes the decision maker. The minutes clearly reflect that the motion to extend the 180-day deadline in this case was made and seconded by Board members and was carried unanimously. (Respondent Exhibit C, p. 4)

*Statutory Provisions Requiring Proper Licensure and Authorizing Board's Executive Director To File Complaints*

By statute, a person employed as a practitioner must hold a valid license with an endorsement for the type of service for which the person is employed.<sup>4</sup> A "practitioner" means an administrator, teacher, or other licensed professional, including an individual who holds a statement of professional recognition, who provides educational assistance to students.<sup>5</sup> If the Board's executive director verifies through a review of official records that a teacher who holds a practitioner's license under Iowa Code chapter 272 is assigned instructional duties for which the teacher does not hold the appropriate license or endorsement, either by grade level or subject area, then the executive director is authorized to initiate a complaint against the teacher and against the administrator responsible for the inappropriate assignment of instructional duties.<sup>6</sup> The executive director may also initiate a complaint if the executive director receives information that a practitioner has assigned another practitioner to perform services for which the practitioner is not properly licensed.<sup>7</sup>

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<sup>3</sup> 282 IAC 11.8, 11.26, 11.27, 11.28.

<sup>4</sup> Iowa Code section 272.7(2009, 2011).

<sup>5</sup> Iowa Code section 272.1(7)(2009, 2011); 282 IAC 25.2.

<sup>6</sup> Iowa Code section 272.15(3)(2009, 2011).

<sup>7</sup> 282 IAC 11.4(1)"d"(1)"7."

### *Count I*

The legislature created the Iowa Board of Educational Examiners with the exclusive authority to develop a code of professional rights and responsibilities, practice, and ethics.<sup>8</sup> The Board's Code of Professional Conduct and Ethics, found at 282 IAC chapter 25, provides that it is unprofessional and unethical for any licensee to violate any of the standards of professional conduct and ethics.

282 IAC 25.3(5) provides, in relevant part:

*25.3(5) Standard V- violations of contractual obligations*

*a. Violation of this standard includes:*

*...*

*(4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.*

The state failed to establish, by a preponderance of the evidence, that Respondent was Shannon Barr's "employer" or that Respondent ever executed a written professional employment contract with Ms. Barr. The record does not include Ms. Barr's employment contract or her written employment agreement. It is unclear who signed the contract or agreement on behalf of the school district, but Respondent did not sign it. Although Respondent was a member of the interviewing committee and participated in recommending Ms. Barr for hire, she did not have authority to hire Ms. Barr or to assign Ms. Barr to teach 5<sup>th</sup> grade at Kate Mitchell Elementary. The evidence failed to establish that Respondent violated 282 IAC 25.3(5)"a"(4).

### *Count II*

282 IAC 25.3(6) provides in relevant part:

*25.3(6) Standard VI- unethical practice toward other members of the profession, parent, students, and the community. Violation of this standard includes:*

*...*

*l. Delegating tasks to unqualified personnel.*

*m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.*

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<sup>8</sup> Iowa Code section 272.2(1)(2009, 2011).



...

r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

It is not disputed that Shannon Barr taught 5<sup>th</sup> grade at Kate Mitchell Elementary for nearly six months when she did not have an Iowa teaching license. Indeed, for most of the time that she taught at Kate Mitchell Ms. Barr had no teaching license whatsoever. Her Colorado teaching expired prior to her interview with the Ames School District, and she was not issued a new Colorado license until December 17, 2010.

Under certain specified circumstances, Board rules allow the executive director to issue an applicant a temporary permit to teach. The temporary permit expires upon the issuance of a license or 90 days from the issuance of the temporary license, whichever comes first, unless the executive director extends the temporary permit upon good cause.<sup>9</sup> However, there is no evidence that Shannon Barr ever applied for or obtained a temporary permit to teach in Iowa.

Board rules also authorize the issuance of "conditional" licenses (e.g. Class A, B, E, G licenses) for a specified period of time and under certain circumstances, pending an applicant's completion of additional requirements for licensure or endorsement.<sup>10</sup> Respondent and her supervisors both testified concerning their past experiences with teachers who obtained conditional licensure. There is no evidence, however, that Shannon Barr ever applied for or obtained a conditional license in Iowa.

Respondent knew that Shannon Barr did not have an Iowa license while she was teaching fifth grade at Kate Mitchell Elementary. There is no evidence that Respondent ever asked her supervisors or the Board if Ms. Barr had obtained a temporary permit or conditional licensure. Respondent apparently believed that it was acceptable for Ms. Barr to teach in Iowa so long as she filed an application for Iowa licensure and had experience teaching in another state. Respondent and her two supervisors (the Superintendent and Associate Superintendent) all testified that it was common practice to allow teachers coming from another state to teach in Ames while they were waiting for their Iowa license to be issued. They implied that the Board was aware of this practice and that the Board at least condoned the practice even if they did not approve it.

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<sup>9</sup> 282 IAC 13.1(3). (IAB, 7/28/10, 3/7/12)

<sup>10</sup> See 282 IAC 13.10, 13.11.

However, the evidence in the record does not corroborate or support the suggestion that the Board or its staff knew, prior to receiving the Basic Education Data System (BEDS) report, that Shannon Barr was employed teaching 5<sup>th</sup> grade at Kate Mitchell Elementary. Indeed, after receiving the BEDS report, the Board's Executive Director notified Sharon Barr and Respondent that Barr's teaching assignment violated state statutes and rules and that a professional practices complaint would be filed against Ms. Barr if the situation was not resolved by January 1, 2011. (State Exhibit 6, p. 50)

The preponderance of the evidence established that Respondent violated 282 IAC 25.3(6)"l," "m," and "r" when she allowed Shannon Barr to continue teaching 5<sup>th</sup> grade at Kate Mitchell Elementary School even though she was not properly licensed. Respondent did not have the authority to hire Shannon Barr, to assign her to fifth grade at Kate Mitchell Elementary, or to fire her. However, Respondent was given input into the hiring decision, and she knew that Shannon Barr was not licensed at the time she was hired. Respondent also knew that Barr would need to obtain an Iowa license with proper endorsement to teach 5<sup>th</sup> grade. After she was assigned to teach 5<sup>th</sup> grade at Kate Mitchell Elementary, Respondent had daily contact with Ms. Barr and was responsible for directly supervising her and evaluating her work as a teacher. Respondent and Ms. Barr discussed Barr's problems in obtaining Iowa licensure.

As the building principal, Respondent clearly has a professional and ethical obligation to take appropriate action if she discovers that any teacher under her supervision was not properly licensed. After the school year started, Respondent knew that Barr was having ongoing problems obtaining her Iowa license. There were a number of appropriate steps that Respondent could have taken to fulfill her professional obligations as principal. Respondent could have contacted the Board directly to verify whether Ms. Barr was authorized to continue teaching fifth grade at Kate Mitchell. At the very least she should have fully informed her supervisors about the ongoing problems that Ms. Barr was having with her application and should have asked them to verify that Ms. Barr was authorized to be teaching fifth grade in Iowa. However, Associate Superintendent Ross, who was Respondent's immediate supervisor, testified that December 17, 2010 was the first day that she knew that Shannon Barr was not licensed in Iowa. Although Superintendent Taylor knew that Ms. Barr was not licensed in Iowa when she was hired, he testified that prior to December he did not know that Barr obtained her Colorado license under an alternative teaching preparation program.

Even if there were misunderstandings about Ms. Barr's status and eligibility to teach in Iowa prior to December 2, 2010, the Executive Director's December 2, 2010 letter



unequivocally informed Respondent that Shannon Barr was not properly licensed for her teaching assignment. The letter warned Ms. Barr that a professional practices complaint would be filed against her if the issue was not resolved by January 1, 2011. Despite this, Respondent actively participated in the decision to allow Ms. Barr to continue to teach 5<sup>th</sup> grade, by herself, after the January 1, 2011 deadline set by the Executive Director. Respondent and her witnesses explained that they were concerned about the repercussions of abruptly pulling Ms. Barr out of the classroom. They emphasized that they did not believe students were harmed because Ms. Barr was a very talented and effective teacher. Although this may be true, the fact remains that unless she was properly licensed, Ms. Barr was not legally qualified to teach 5<sup>th</sup> grade in Iowa. Proper licensure is not just a formality. Licensure is granted based upon the Board's determination that the person meets all of the qualifications required by state law. Respondent and her supervisors were given more than sufficient opportunity to rectify the situation by replacing Ms. Barr with a properly licensed teacher prior to January 1, 2011. The evidence supports the finding that Respondent has violated 282 IAC 25.3(6)(l), (m), and (r) by delegating tasks to an unqualified person, by failing to comply with state laws applicable to the fulfillment of her professional obligations, and by failing to take appropriate steps to adjust Ms. Barr's assignment after learning that she was not properly licensed to teach fifth grade.

### *Sanction*

The state asserts that an appropriate sanction is to suspend Respondent's license and require her to complete an ethics course for educators. The state did not ask for a specific length of suspension but points out that Shannon Barr accepted a six month suspension to resolve the Complaint filed against her. The state argues that Respondent is at least as culpable if not more culpable than Ms. Barr.

Respondent, on the other hand, asserts that if the Statement of Charges is not dismissed entirely then the sanction imposed should be no greater than a letter of reprimand. Respondent points out her otherwise excellent record and reputation as an administrator and asserts that this type of violation will not recur.

In response to a request from Respondent, the state produced and submitted the only two final Board Orders (Case Nos. 06-22 and 09-65) that have imposed discipline against administrators for violations of 282 IAC 25.3(5)(a)(4) or 25.3(6)(l),(m), and (r). (State Exhibits 8, 9)

- The administrator in Case No. 06-22 was a secondary principal who assigned a teacher to teach secondary level mathematics when the teacher was only certified to teach K-6 mathematics. That principal had also allowed her own license to expire. The Board and the principal entered into a Stipulation and Order that suspended the principal's license for a period of one year, but deferred the suspension on the condition that the principal complete a Board approved course addressing professional ethics and licensure, review and become familiar with Board rules governing licensure and ethics, review her school district's policies and procedures for monitoring practitioner licensure, and submit a report setting forth recommendations for improvement of the procedures. (State Exhibit 8)
- The principal in Case No. 09-65 also entered into a Stipulation and Order with the Board to resolve the disciplinary charges against him. When the principal was hired, one of the teachers in his building, who was certified to teach physical education, was teaching a class entitled "Wellness," without having the necessary certification in health. The teacher had been teaching the class for approximately fifteen years under three previous principals and two previous superintendents. Because the class was labeled as a physical education class, the improper certification was not discovered during Project/Easier BEDS or Department of Education site visits. When the principal learned that the teacher was not properly certified, he immediately removed the teacher and brought in a certified teacher to teach the class. Pursuant to the terms of the Stipulation and Order, the principal in Case No. 09-65 was given a letter of reprimand. (State Exhibit 9)

Based on the evidence in this record and based on the limited information in these two Stipulation and Orders, Respondent appears more culpable than the principal in Case No. 09-65. Respondent always knew that Shannon Barr was not licensed in Iowa, and Respondent actively participated in the decision to allow Ms. Barr to continue to teach 5<sup>th</sup> grade after the January 1, 2011 deadline. Respondent appears less culpable than the principal in Case No. 06-22 because she did not have the initial authority to assign Ms. Barr to the 5<sup>th</sup> grade and because there have never been any issues with Respondent's own license.

Through this disciplinary process, Respondent and her supervisors in the Ames School District are now well aware of the necessity and importance of verifying proper licensure for all teachers. Based on their testimony, it appears highly unlikely that there would be any similar violation in the future. After considering all of the circumstances, including Respondent's excellent record and reputation as an administrator, an



appropriate sanction in this case would be a deferred six month license suspension that is conditioned upon Respondent's timely completion of a Board approved licensure course in ethics for educators.

### DECISION AND ORDER

IT IS THEREFORE ORDERED that the Iowa Administrator and Master Educator license (Folder No. 327510) issued to Respondent Pamela Stangeland shall be SUSPENDED for a period of six (6) months. However, imposition of the suspension shall be deferred until January 1, 2013 to allow Respondent the opportunity to provide written verification that she has completed a fifteen (15) hour Board-approved ethics course addressing professional ethics and licensure. If Respondent timely submits verification of her completion of the ethics course, then the six-month suspension of her license shall be vacated effective January 1, 2013. If Respondent does not timely complete the ethics course, then the six month license suspension will begin on January 1, 2013.

Dated this 19th day of April, 2012.

*Margaret LaMarche*

Margaret LaMarche  
Administrative Law Judge  
Iowa Department of Inspections and Appeals  
Administrative Hearings Division  
Wallace State Office Building-Third Floor  
Des Moines, Iowa 50319

cc: Meghan Gavin, Iowa Department of Justice, Hoover Building, 2<sup>nd</sup> Floor (LOCAL)  
Andrew Bracken, 100 Court Avenue, Suite 600, Des Moines, 50309 (CERTIFIED)  
George J. Maurer, Ed.D., Executive Director, Iowa Board of Educational Examiners,  
Grimes Building (LOCAL)

A proposed decision may be appealed to the Iowa Board of Educational Examiners (Board) by a party to the decision who is adversely affected. An appeal is initiated by serving a notice of appeal with the board within 30 days after issuance of the proposed decision. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify the parties initiating the appeal, the proposed decision or order appealed from, the specific

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IOWA BOARD OF EDUCATIONAL EXAMINERS

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In the matter of:	)	BoEE Case No. 11-32
	)	
Pamela J. Stangeland,	)	<b>NOTICE OF HEARING</b>
(Folder # 327510)	)	<b>AND STATEMENT OF CHARGES</b>
	)	
Respondent.	)	

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**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing will be held on Monday, December 12, 2011, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9<sup>th</sup> Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Circumstances. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code [IAC] Chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC 11.18.



5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Julie J. Bussanmas  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Telephone (515) 281-5637.

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Dr. George J. Maurer, the Board's Executive Director at (515)281-5849 or to Assistant Attorney General Bussanmas at (515)281-5637.

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

7. Respondent is charged as an employer with executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform, in violation of 282 IAC 25.3(5)(a)(4).

### **Count II**

8. Respondent is charged with unethical practice by delegating tasks to unqualified personnel, failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations, or failure by a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment, in violation of 282 IAC 25.3(6) (l), (m) and (r).

## **C. JURISDICTION AND LEGAL AUTHORITY**

9. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272 (2009). If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Admin. Code chapter 11.

## **D. FACTUAL CIRCUMSTANCES**

10. The Respondent holds a PROFESSIONAL ADMINISTRATOR LICENSE (FOLDER # 327510) with endorsements to serve as PK-8 Principal 5-12 Principal, and Evaluator. Respondents Professional Administrator License next expires on November 30, 2015. Respondent also holds a STANDARD LICENSE with endorsements to teach 5-12 Journalism, Mildly Disabled, Multicategorical Resource Mild, and Instructional Strategist I: Mild/Moderate. Respondent's Standard License expired on December 31, 2007.

11. Respondent began employment with the Ames Community School District on July 23, 2001, serving as the K-5 elementary principal.

12. On March 31, 2011, a Complaint was filed with the Board alleging that Respondent violated the code of professional conduct and ethics.

13. On June 23, 2011, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

14. An investigation uncovered a teacher executed a contract to start teaching 5<sup>th</sup> grade on August 12, 2010. Respondent knew the teacher was not licensed in Iowa at the time of hiring and failed to ensure the teacher had appropriate licensure before the individual started practicing in the classroom.

15. The 2010-2011 B.E.D.S. report identified the teacher was not appropriately licensed. The Board received this information and informed Respondent by December 15, 2010 that the teacher was not properly licensed for the position held. Respondent allowed the teacher to continue teaching until the teacher resigned on January 21, 2011.

#### E. SETTLEMENT

16. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 20th day of October, 2011.



George J. Maufer, Ed.D.  
Executive Director  
Iowa Board of Educational Examiners

Copies to:

Pamela Stangeland  
3673 Lakins Grove  
Stanhope, Iowa 50246  
RESPONDENT

Julie J. Bussanmas  
Assistant Attorney General  
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Des Moines, Iowa 50319  
ATTORNEY FOR STATE